IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10030 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DINESH BALUBHAI SONI & 1 - Petitioner(s)

Versus

PATEL SIZING CORPORATION THROUGH PARTNER/PROPRIETOR - Respondent(s)

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Appearance :

MR NR SHAHANI for Petitioner No(s).: 1,2.

RULE SERVED for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 22/08/2005

ORAL JUDGMENT

1.0 The petitioners have prayed to quash and set aside the award dated 29.05.1999 passed by the Labour Court,

Ahmedabad in Reference No. 489 of 1990, whereby the said reference was rejected.

2.0 The brief facts of the case are that the petitioners herein joined the services of the respondent Company in the year 1979. On 18.08.1981 the petitioners were removed from the service. Against the said action, the petitioners raised a dispute, which, ultimately, culminated into a reference before the Labour Court, Ahmedabad. The Labour Court, after hearing the parties, by impugned award rejected the said reference. Hence, this petition.

3.0 Mr. N. R. Shahani learned advocate for the petitioners has contended that due to some circumstances, the petitioners were not able to produce certain relevant documents on the record of the Labour Court, though they were in the custody of the petitioners. He has, therefore, requested that the matter may be remanded to the Labour Court for enabling the petitioners to produce the said documents on the record of the Labour Court and after considering the same for decision afresh.

4.0 I have heard learned counsel for the petitioners and

perused the documents placed on record. Though served none appears on behalf of the respondent. Prima facie, from the record, it appears that the documents in question were relevant for the proper adjudication of the issue on hand and since they were not produced on the record of the Labour Court at the relevant point of time, it would be appropriate if the issue is adjudicated, after considering the said documents that may be produced by the petitioners herein.

5.0 In above view of the matter, the impugned award dated 29.05.1999 passed by the Labour Court, Ahmedabad in Reference No. 489 of 1990 is quashed and set aside. The matter is remanded to the Labour Court for adjudication afresh. It is clarified that this Court has not entered into the merits of the matter and has quashed the award of the Labour Court only with a view to enable the petitioners herein to produce on record of the Labour Court the documents referred to herein above. Since the Reference is of the year 1990, the Labour Court is directed to dispose of the same within a period of one year from the receipt of writ of this order. The Labour Court shall serve the respondent afresh since the respondent has not appeared before this Court though

served. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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